



HYDRAULIC PROJECT APPROVAL

RCW 77.55.100 - appeal pursuant to Chapter 34.05 RCW

State of Washington
Department of Fish and Wildlife
Habitat Program
600 Capitol Way North, MS 3155
Olympia, Washington 98501-1091

DATE OF ISSUE: July 21, 2004

LOG NUMBER: GH-D9472-01

<u>PERMITTEE</u>	<u>AUTHORIZED AGENT OR CONTRACTOR</u>
Washington Department of Transportation ATTENTION: Joel Gjuka 310 Maple Park Drive SE Olympia, Washington 98504 (360) 705-7490 Fax: (360) 705-6833	Not Applicable

PROJECT DESCRIPTION: Replace Piles.

DATA BASE DESCRIPTION: Fixed, Permanent, **On** bed, Suspended above water, Buried below bed.

PROJECT LOCATION: See Enclosures.

#	<u>WRIA</u>	<u>WATERBODY</u>	<u>TRIBUTARY TO</u>	<u>1/4 SEC.</u>	<u>SEC.</u>	<u>TOWNSHIP</u>	<u>RANGE</u>	<u>COUNTY</u>
1	Various	Marine Areas	Puget Sound	NA	NA	See Attach.	Various	Various

NOTE: This Hydraulic Project Approval (HPA) is issued to the Washington State Department of Transportation (WSDOT) for maintenance replacement of up to eight piles. The statutory time limit of 5 years for the previous HPA Control Number 00-63131-02, has expired. This HPA is therefore issued under a new project number, GH-D9472-01. Projects involving new construction or more than eight piles are not approved under this HPA and must receive individual HPAs before proceeding.

The Washington Department of Fish and Wildlife (WDFW) discourages the use of pilings, lumber, and other materials treated with creosote or other preservatives and recommends instead the use of steel, concrete, recycled plastic or other non-toxic materials.

PROVISIONS

- TIMING LIMITATIONS:** The project may begin **Immediately** and shall be completed by **December 31, 2004**.
- NOTIFICATION REQUIREMENT:** Prior to the start of any operation, including an emergency action, the Regional Habitat Program Manager (RHPM) shall be notified (Enclosed List). Except in the case of an emergency, the notification shall be at least seven (7) working days prior to the actual work activity. Notification may be by mail, FAX, or phone and shall include the starting date, description of work, location, a contact phone number, and the control number of this HPA.
- This HPA is for replacement of up to 8 (eight) existing piles only and shall not result in the expansion of the structure.
- All treated wood piling and lumber to be used for the project shall meet or exceed the standards established in the most current edition of, "Best Management Practices For the Use of Treated Wood in Aquatic Environments" developed by the Western Wood Preservers Institute. At the time of issuance of this HPA, the most current version is the July, 2001 edition.



HYDRAULIC PROJECT APPROVAL
RCW 77.55.100 - appeal pursuant to Chapter 34.05 RCW

State of Washington
Department of Fish and Wildlife
Habitat Program
600 Capitol Way North, MS 3155
Olympia, Washington 98501-1091

DATE OF ISSUE: Julv 21,2004

LOG NUMBER: GH-D9472-01

5. All piling, lumber, and other materials treated with preservatives shall be sufficiently cured to minimize leaching into the water or bed.
6. All existing damaged pilings shall be removed and disposed of upland such that they do not reenter waters of the state.
7. All debris or deleterious materials resulting from construction shall be removed from the beach area and bed and prevented from entering waters of the state.
8. Project activities shall be conducted to minimize siltation of the beach area and bed.
9. **FISH KILL/WATER QUALITY PROBLEM NOTIFICATION:** If at any time, as a result of project activities, fish are observed in distress or a fish kill occurs, or water quality problems develop, immediate notification shall be made to the Regional Office of Ecology in Lacey (360-407-6300) for the southwest region, the Regional Office of Ecology in Bellevue (425-649-7000) for the northwest region.
10. Debris from treated wood as the result of field alterations shall be contained and prevented from contacting the beach, bed, or waters of the state.
11. No petroleum products or other deleterious materials shall enter surface waters.
12. Project activities shall not degrade water quality to the detriment of fish life.
13. Treated piling or structures built of treated wood shall incorporate design features, such as steel, plastic, or rubber collars or fendering systems, to prevent or minimize the abrasion of the treated wood by floats, ramps, or vessels.
14. Beach area depressions created during project activities shall be reshaped to pre-project beach level upon project completion.

SEPA: Exempt, no other non-exempt permits

APPLICATION ACCEPTED: May 17,2004

ENFORCEMENT OFFICER: Captains Regions 4 and 6 [P3]

Craig Olds (360) 902-2540
Habitat Program

**for Director
WDFW**

Enclosure(s): WDFW Regional Habitat Program Managers
Washington State Ferries Terminal Information
WSDOT Marine Water Bridge Crossings

cc/enc: Sasha Visconty, Washington State Ferries
David Molenaar, Region 6
Chris Byrnes, Region 6



HYDRAULIC PROJECT APPROVAL RCW 77.55.100 - appeal pursuant to Chapter 34.05 RCW

State of Washington
Department of Fish and Wildlife
Habitat Program
600 Capitol Way North, MS 3155
Olympia, Washington 98501-1091

DATE OF ISSUE: July 21, 2004

LOG NUMBER: GH-D9472-01

Key McMurry, Region 6
Doug Thompson, Region 4
Randi Thurston, Region 6
Bob Burkle, Region 6
Theresa Powell, Region 6
David Brock, Region 4
Larry Fisher, Region 4
Margie Schirato, Region 6
Brian Williams, Region 4

GENERAL PROVISIONS

This Hydraulic Project Approval (HPA) pertains only to the provisions of the Fisheries Code (RCW 77.55 - formerly RCW 75.20). Additional authorization from other public agencies may be necessary for this project.

This HPA shall be available on the job site at all times and all its provisions followed by the permittee and operator(s) performing the work.

This HPA does not authorize trespass.

The person(s) to whom this HPA is issued may be held liable for any loss or damage to fish life or fish habitat which results from failure to comply with the provisions of this HPA.

Failure to comply with the provisions of this Hydraulic Project Approval could result in a civil penalty of up to one hundred dollars per day or a gross misdemeanor charge, possibly punishable by fine and/or imprisonment.

All HPAs issued pursuant to RCW 77.55.100 or 77.55.200 are subject to additional restrictions, conditions or revocation if the Department of Fish and Wildlife determines that new biological or physical information indicates the need for such action. The permittee has the right pursuant to Chapter 34.04 RCW to appeal such decisions. All HPAs issued pursuant to RCW 77.55.110 may be modified by the Department of Fish and Wildlife due to changed conditions after consultation with the permittee: PROVIDED HOWEVER, that such modifications shall be subject to appeal to the Hydraulic Appeals Board established in RCW 77.55.170.

APPEALS - GENERAL INFORMATION

IF YOU WISH TO APPEAL A DENIAL OF OR CONDITIONS PROVIDED IN A HYDRAULIC PROJECT APPROVAL, THERE ARE INFORMAL AND FORMAL APPEAL PROCESSES AVAILABLE.

A. INFORMAL APPEALS (WAC 220-110-340) OF DEPARTMENT ACTIONS TAKEN PURSUANT TO RCW 77.55.100, 77.55.110, 77.55.140, 77.55.190, 77.55.200, and 77.55.290:

A person who is aggrieved or adversely affected by the following Department actions may request an informal review of

- (A) The denial or issuance of a HPA, or the conditions or provisions made part of a HPA; or
- (B) An order imposing civil penalties.



HYDRAULIC PROJECT APPROVAL

RCW 77.55.100 - appeal pursuant to Chapter 34.05 RCW

State of Washington
Department of Fish and Wildlife
Habitat Program
600 Capitol Way North, MS 3155
Olympia, Washington 98501-1091

DATE OF ISSUE: July 21, 2004

LOG NUMBER: GH-D9472-01

It is recommended that an aggrieved party contact the Area Habitat Biologist and discuss the concerns. Most problems are resolved at this level, but if not, you may elevate your concerns to his/her supervisor. A request for an INFORMAL REVIEW shall be in WRITING to the Department of Fish and Wildlife, 600 Capitol Way North, Olympia, Washington 98501-1091 and shall be RECEIVED by the Department within 30-days of the denial or issuance of a HPA or receipt of an order imposing civil penalties. The 30-day time requirement may be stayed by the Department if negotiations are occurring between the aggrieved party and the Area Habitat Biologist and/or his/her supervisor. The Habitat Protection Services Division Manager or his/her designee shall conduct a review and recommend a decision to the Director or its designee. If you are not satisfied with the results of this informal appeal, a formal appeal may be filed.

B. FORMAL APPEALS (WAC 220-110-350) OF DEPARTMENT ACTIONS TAKEN PURSUANT TO RCW 77.55.100 OR 77.55.140:

A person who is aggrieved or adversely affected by the following Department actions may request a formal review of:

- (A) The denial or issuance of a HPA, or the conditions or provisions made part of a HPA;
- (B) An order imposing civil penalties; or
- (C) Any other "agency action" for which an adjudicative proceeding is required under the Administrative Procedure Act, Chapter 34.05 RCW.

A request for a FORMAL APPEAL shall be in WRITING to the Department of Fish and Wildlife, 600 Capitol Way North, Olympia, Washington 98501-1091, shall be plainly labeled as "REQUEST FOR FORMAL APPEAL" and shall be RECEIVED DURING OFFICE HOURS by the Department within 30-days of the Department action that is being challenged. The time period for requesting a formal appeal is suspended during consideration of a timely informal appeal. If there has been an informal appeal, the deadline for requesting a formal appeal shall be within 30-days of the date of the Department's written decision in response to the informal appeal.

C. FORMAL APPEALS OF DEPARTMENT ACTIONS TAKEN PURSUANT TO RCW 77.55.110, 77.55.200, 77.55.230, or 77.55.290:

A person who is aggrieved or adversely affected by the denial or issuance of a HPA, or the conditions or provisions made part of a HPA may request a formal appeal. The request for FORMAL APPEAL shall be in WRITING to the Hydraulic Appeals Board per WAC 259-04 at Environmental Hearings Office, 4224 Sixth Avenue SE, Building Two - Rowe Six, Lacey, Washington 98504; telephone 3601459-6327.

D. FORMAL APPEALS OF DEPARTMENT ACTIONS TAKEN PURSUANT TO CHAPTER 393, laws of 2003:

A person who is aggrieved or adversely affected by the denial or issuance of a HPA, or the conditions or provisions made part of a HPA may request a formal appeal. The request for FORMAL APPEAL shall be in accordance with the provisions of Chapter 393. The request for FORMAL APPEAL, shall be in WRITING to the Environmental and Land Use Hearings Board.

E. FAILURE TO APPEAL WITHIN THE REQUIRED TIME PERIODS RESULTS IN FORFEITURE OF ALL APPEAL RIGHTS. IF THERE IS NO TIMELY REQUEST FOR AN APPEAL, THE DEPARTMENT ACTION SHALL BE FINAL AND UNAPPEALABLE.

Table 1. Washington State Ferries Terminal Information

Terminal/County	Section Township, Range	Latitude and Longitude (if known)	Waterbody	Shoreline Designation/ Zoning Designation	WRIA
Anacortes/Skagit County	22, 35 N, 01E	48° 30' 26" N; 122° 40' 30" W	Guemes Channel	Urban II/ Commercial Marine	03 MARI
Bainbridge/Kitsap County	26, 25 N, 02E	47° 37' 21" N; 122° 30" W	Eagle Harbor	Ferry Terminal District/ Ferry Terminal District	15 MARI
Bremerton/Kitsap County	24, 24N, 01E	47° 33' 44" N; 122° 37' 23" W	Sinclair Inlet	Downtown Waterfront Upland/ Urban Renewal District	15 MARI
Clinton/Island County	30, 29N, 04E	47° 58' 30" N; 122° 21' 11" W	Possession Sound	Urban/ State Highway Right of Way	06 MARI
Eagle Harbor/Kitsap County	26, 25N, 02E	47° 37' 16" N; 122° 30' 47" W	Eagle Harbor	Urban Environment/ Ferry Terminal District	15 MARI
Edmonds/Snohomish County	23, 27N, 03E	47° 48' 47" N; 122° 23' 04" W	Possession Sound	Urban Marine/ Ferry Right of Way	08 MARI
Fauntleroy/King County	35, 24 N, 03E	47° 31' 24" N; 122° 23' 37" W	Fauntleroy Cove	Urban Residential/SF	09 MARI
Friday Harbor/San Juan County	13, 35N, 03W	48° 32' 10" N; 123° 00' 50" W	San Juan Channel	Urban/Commercial	02 MARI
Keystone/Island County	22, 31N, 01E	48° 09' 33" N; 122° 40' 14" W	Admiralty Inlet	Urban/Park	06 MARI
Kingston/Kitsap County	25, 27N, 02E	47° 47' 36" N; 122° 24' 44" W	Appletree Cove	Urban/ Public Facility	15 MARI
Lopez/San Juan County	36, 36N, 02W	48° 34' 13" N; 122° 51' 35" W	Harney Channel	Conservancy/ Rural General	02 MARI
Mukilteo/Snohomish County	04, 28N, 04E	47° 57' 00" N; 122° 18' 12" W	Possession Sound	Downtown Business/ Downtown Business	08 MARI
Orcas/ San Juan County	22, 36N, 02W	48° 35' 51" N; 122° 56' 33" W	Harney Channel	Urban/Village	02 MARI
Point Defiance/Pierce County	14, 21N, 02E	47° 18' 22" N; 122° 30' 46" W	Dalco Passage	Conservancy/S-5	12 MARI
Port Townsend/Jefferson County	11, 30N, 01W	48° 06' 50" N; 122° 45' 62" W	Port Townsend Bay	Urban/Aquatic Designation/no zoning designation	17 MARI
Seattle/King County	06, 24N, 04E	47° 36' 9" N; 122° 20' 17" W	Elliot Bay	Urban Harborfront (UH)/DH1/45	08 MARI
Shaw/San Juan County	27, 36N, 02W	48° 35' 87" N; 122° 55' 40" W	Harney Channel	Rural/Rural Farm Forest	02 MARI
Southworth/Kitsap County	01, 23 N, 02E	47° 30' 46" N; 122° 29' 42" W	Colvos Passage	Rural/Residential Rural	15 MARI
Tahlequah/King County	02, 21N, 02E	47° 20' 2" N; 122° 30' 29" W	Dalco Passage	Rural/RA 2.5	15 MARI
Vashon/King County	06, 23 N, 03E	47° 30' 32" N; 122° 27' 46" W	Admiralty Inlet	Conservancy/RA-5	15 MARI

Table 2. WSDOT Salt and Brackish Water Bridge Crossings

Bridge Name	County/WRIA	WRIAs in County
Creek	Clallum	17, 18, 19, 20
W TWIN R		
BULLMAN CR.		
SEKIU RIVER BR.		
WISHKAH R. HERON	Grays Harbor	22, 23
WRECK CR.		
HOQUIAM R-SIMPSON		
WISHKAH R.		
CHAPIN CR		
STAFFORD CR		
INDIAN CR		
CAMPBELL CR		
MILL CR		
JESSIE SL		
COPALIS R		
JOHNS R		
JOE CR		
CHEHALIS R.		
NEWSKAH CR		
SOUTH BAY - ELK RIVER		
GILLIS SL		
HUMPTULIPS R		
CONNER CR		
MOCLIPS R		
GRASS CR		
CHENOIS CR		
LITTLE HOQUIAM R		
HOQUIAM R-RIVERSIDE		
FULTON CR	Jefferson County	16, 17, 18, 19, 20
KALALOE CR		
DUCKABUSH SL		
SNOW CR		
HOOD CANAL-W.A. BUGGE BR		
PORTAGE CANAL		
LAKE WASH SHIP CANAL		
DUWAMISH RIVER	King	8, 9, 10
WETLAND MIT. CHANNEL		
MANETTE BRIDGE	Kitsap County	15
AGATE PASS		
BLACKJACK CR		
PORT WASHINGTON		
HOOD CANAL-W.A. BUGGE BR		
DOGFISH BAY BR		
GORST CREEK BRIDGE		
GORST CREEK		
N HAMMA HAMMA R	Mason County	14, 16, 22
S HAMMA HAMMA R		
LILLIWAUP R		
CUSHMAN PROJECT		
EAGLE CR		
SHERWOOD CR		
COULTER CR		

REGIONAL HABITAT PROGRAM MANAGER'S		
Region 1 Asotin, Columbia, Ferry, Garfield, Liiln , Pend Oreille, Spokane, Stevens, Walla Walla, Whitman	Kevin Robinette <u>robinkwr@dfw.wa.gov</u>	WDFW, Region 1 8702 N Division ST Spokane, WA 99218-1199 (509) 625-5545
Region 2 Adams, Chelan, Douglas, Grant, Okanogan	Tracy Lloyd <u>lloydtml@dfw.wa.gov</u>	WDFW, Region 2 1550 Alder ST N W Ephrata, WA 98823-9651 (509) 754-4624
Region 3 Benton, Franklin, Kittitas, Yakima	Ted Clausing <u>clautac@dfw.wa.gov</u>	WDFW, Region 3 1701 S 24th Avenue Yakima, WA 98902-5720 (509) 457-9314
Region 4 King, Island , San Juan, Skagit, Snohomish, Whatcom	Rich Costello <u>costerac@dfw.wa.gov</u>	WDFW, Region 4 16018 Mill Creek Blvd. Mill Creek, WA 98012-1296 (425) 775-1311 ext 114
Region 5 Clark, Cowlitz, Klickitat, Lewis, Skamania, Wahkiakum	Steve Manlow <u>manloswm@dfw.wa.gov</u>	WDFW, Region 5 2108 Grand Blvd. Vancouver, WA 98661 (360) 906-6731
Region 6 Clallam , Grays Harbor, Jefferson, Kitsap, Mason, Pacific, Pierce, Thurston	Steve Kalinowski <u>kalinsak@dfw.wa.gov</u>	WDFW, Region 6 48 Devonshire RD Montesano, WA 98563-9618 (360) 249-1227